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Attorneys for Smart Management NY, Inc.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

EVERGREEN GARDENS MEZZ LLC, *et al.*,

Debtors.

Chapter 11

Case No. 21-10335-(MG)

(Jointly Administered)

**SMART MANAGEMENT NY, INC.’S RESERVATION OF
RIGHTS REGARDING DEBTORS’ JOINT CHAPTER 11 PLAN**

Smart Management NY, Inc. (“Smart Management”), by and through its undersigned counsel, submits this reservation of rights regarding the Joint Chapter 11 Plan of Evergreen Gardens I LLC, Evergreen Gardens II LLC and Evergreen Gardens Mezz LLC (the “Plan”) and states as follows:

1. Smart Management is a provider of luxury real estate property management services. Smart Management manages and is responsible for the day-to-day operations at Debtors Evergreen Gardens I LLC’s and Evergreen Gardens II LLC’s properties located at 123 Melrose Street and 54 Noll Street, Brooklyn, New York, pursuant to certain agreements with those Debtors.

2. Smart Management is in discussions with the Debtors and other parties regarding Smart Management’s claims and rights relating to and affected by the Plan. Smart Management

continues to evaluate its rights and claims and expects to have any outstanding issues with respect thereto resolved in the coming days, and prior to the confirmation hearing.

3. Smart Management reserves its right to supplement this Reservation of Rights and assert any objections it may have to the Plan prior to the hearing regarding confirmation of the Plan.

Dated: October 18, 2021

Respectfully Submitted,

/s/ Samuel S. Kohn

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